IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 68/2000

KHEMCHAND & ANR. Vs. RAJENDRA BHAGERIA & ANR.

DATE: 19.02.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. N.K. Joshi for the petitioners.
Mr. Ashwani Kumar Sharma, PP for the State.
Mr. Nitin Jain for the respondent.

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This revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioners against the order dated 23.02.2000 passed by the Additional Sessions Judge No.1, Sikar in Criminal Revision No. 35/99, whereby the Additional Sessions Judge while allowing the criminal revision, set-aside the order dated 09.03.99 passed by the Sub Divisional Magistrate, Sikar in Criminal Case No. 20/96 in proceedings under Section 145/146 Cr.P.C.

Learned counsel for the petitioners has challenged the impugned order dated 23.02.2000 passed by the Revisional Court on the ground that at the time of taking possession by the Receiver, it was mentioned that it was taken from the petitioners and, therefore, the possession should be handed over back to the

petitioners and the Revisional Court has seriously erred in not considering this aspect and without giving valid findings and without considering the observations made by the Sub Divisional Magistrate, reversed the order dated 09.03.99 passed by the SDM, Sikar.

On the other hand, learned counsel appearing for the respondent contended that pursuant to the order dated 23.2.2000, in March, 2000 itself possession has already been handed over to the respondents and this Court vide order dated 03.03.2000 after hearing the parties, directed both the parties to maintain status quo as it exists today and record was also called for and since 2000 record is lying with this file and, therefore, proceedings before the trial Court are virtually stand stayed.

Having considered the rival submissions of the respective parties and without expressing any opinion on the merits of the impugned order dated 23.02.2000, as per the interim order passed by this Court, in the interest of justice both the parties are directed to maintain status quo as it exists today till the disposal of the suit and the trial Court is directed to decide the suit in question expeditiously but in any case not beyond the period of one year from the date of receipt of certified copy of this order. The

petitioners are given liberty to redress their grievance before the Civil Court.

With these observations, the revision petition stands disposed of.

Record be sent back forthwith.

(K.S. RATHORE),J.

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